

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANTHONY LANG, SR., individually	:	
and on behalf of all others similarly	:	
situated,	:	Case No. 12-cv-1247
	:	
Plaintiffs,	:	<b>(Judge John E. Jones III)</b>
	:	
v.	:	
	:	
PENNSYLVANIA HIGHER	:	
EDUCATION ASSISTANCE	:	
AGENCY,	:	
	:	
Defendant.	:	

**DEFENDANT’S MOTION TO DISMISS COUNT II OF COMPLAINT**

Defendant, Pennsylvania Higher Education Assistance Agency (“PHEAA”), moves the Court for entry of an order dismissing, with prejudice, Count II of the Complaint filed by Plaintiff, Anthony Lang, Sr.

As discussed more fully in PHEAA’s supporting Memorandum of Law, which is being filed contemporaneously with this Motion, Federal Rules of

Civil Procedure 12(b)(1) and 12(b)(6) authorize the Court to grant the relief that PHEAA seeks.

Respectfully submitted,

Dated: September 11, 2012

**STEVENS & LEE**

By s/ Jo Bennett

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of September, 2012, I electronically filed Defendant's Motion To Dismiss Count II of the Complaint, supporting Memorandum of Law, and proposed Order with the Clerk of the Court using CM/ECF. I also certify that the foregoing Motion, Memorandum of Law, and proposed Order are being served this day on counsel for Plaintiff via ECF.

By *s/ Jo Bennett*

Jo Bennett